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Attorneys for Plaintiffs
JUAN JOSE RODRIGUEZ and
JUAN ARIAS CARLOS RODRIGUEZ

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JUAN JOSE RODRIGUEZ,
JUAN ARIAS CARLOS RODRIGUEZ

Plaintiffs,

vs.

AMERICAN PRIME FUNDING, BANK
UNITED, FSB., THE CIT GROUP, NAZ
DYLAN FONTILEA, JOEL VALENCIA,
WILLIAM PASCUAL, GMAC
MORTGAGE, SERGIO ALVAREZ, M&R
CONTEMPORARY SOLUTIONS, INC.,
ALLIANCE TITLE COMPANY, AND
DOES 1-50.

Defendants.

CASE NO. C-09-01127-JF

**STIPULATION TO DISMISS GMAC
MORTGAGE, LLC WITH PREJUDICE
AND DISMISSAL OF COMPLAINT
WITHOUT PREJUDICE; AND ORDER
THEREON**

Pursuant to FRCP 41(a)(1), IT IS HEREBY STIPULATED by and between the parties to this action, and through their designated counsel, that Plaintiffs JUAN JOSE RODRIGUEZ AND JUAN ARIAS CARLOS RODRIGUEZ's Complaint filed herein on March 13, 2009 is dismissed without prejudice, except as to Defendant GMAC MORTGAGE, LLC who is dismissed with prejudice. Each party shall bear its own attorney's fees and costs.

1 IT IS SO STIPULATED.
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3 Dated: July 22, 2009

PRATT & ASSOCIATES

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5 By: /s/ Elena Rivkin Franz
Elena Rivkin Franz
6 Attorneys for Plaintiffs
JUAN JOSE RODRIGUEZ AND JUAN ARIAS
7 CARLOS RODRIGUEZ

8 Dated: July 22, 2009

PALMER, LOMBARDI & DONAHUE LLP

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11 By: /s/ Roland P. Reynolds
Roland P. Reynolds
12 Attorneys for Defendant
GMAC MORTGAGE, LLC
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ECF CERTIFICATION

Pursuant to General Order No. 45, § X.B., the filing attorney attests that she has obtained concurrence regarding the filing of this document from the indicated signatories to the document.

Dated: July 22, 2009

PRATT & ASSOCIATES

By: /s/ Elena Rivkin Franz

Elena Rivkin Franz

Attorneys for Plaintiffs

JUAN JOSE RODRIGUEZ AND

JUAN ARIAS CARLOS RODRIGUEZ


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ORDER

IT IS HEREBY ORDERED that the Complaint herein is dismissed without prejudice, except as to Defendant GMAC Mortgage, LLC who is hereby dismissed with prejudice. Each party shall bear its own attorney's fees and costs.

DATED: 7/23/09


The Honorable Jeremy Fogel
United States District Court Judge

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